

FILED 05 OCT '12 14:22 USDC-ORE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

DAVID CREECH,)	Case No. 6:11-00502-HO
)	
Plaintiff,)	ORDER
)	
v.)	
)	
MICHAEL J. ASTRUE, Commissioner)	
of Social Security,)	
)	
Defendant.)	
)	

Claimant, David Creech, moves for an award of attorney fees and expenses pursuant to the Equal Access to Justice Act (EAJA), (28 U.S.C. § 2412), in the amount of \$7,337.10 for 40.1 hours of work at an average rate of \$180.59 per hour for work done in 2011 and \$183.62 for work done in 2012. [#25-3].

The Commissioner does not contest the hourly fees requested by claimant's counsel but, does contest the amount of time billed. [#27]. The Commissioner argues that claimant's

counsel's stated hours result from excessive briefing , block billing and billings for clerical work and therefore, a more reasonable award would be \$5,508.60, based on 30 hours work at \$183.62 per hour. *Id.*

Upon the stipulation of the parties, this case was remanded by the United States District Court for the District of Oregon on January 4, 2011. [USDC Case No 3:09-cv-162-KI]. The Appeals Council remanded the case for further hearing and, after a November 16, 2010, supplemental hearing, the ALJ issued a partially favorable decision concluding that plaintiff was not disabled until April 14, 2009. [Tr.842-54]. The Appeals Council declined to review the decision and it became the Commissioner's final decision. This court remanded the case to allow the ALJ to further develop the record and assess what, if any, effect that development would have on the final decision.

Having reviewed the record, I find that the number of hours spent by claimant's counsel and the hourly fee requested are reasonable under EAJA.

The attorney fees awarded shall be paid to claimant's attorney upon verification that claimant has no debt which qualifies for offset against the awarded fees, under the Treasury Offset Program. *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010); 28 U.S.C. §1920. If claimant has no qualifying debt, the check shall be made out to claimant's attorney and mailed to his

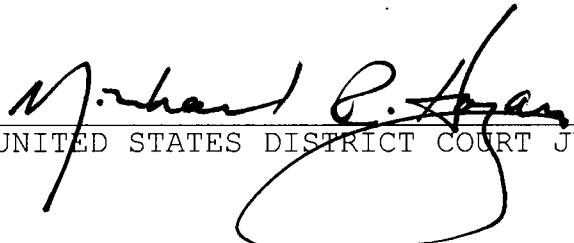
attorney's office at Merrill Schneider, P.O. Box 14490, Portland, OR 97293. However, if claimant has a qualifying debt, a check for any funds remaining after offset of the debt, shall be made to claimant and mailed to his attorney's office at the address above.

Conclusion

Claimant's motion (#25) for attorney fees and expenses under the EAJA is therefore GRANTED in the amount of \$7,337.10.

IT IS SO ORDERED.

DATED this 5th day of October, 2012.


UNITED STATES DISTRICT COURT JUDGE